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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,062	08/01/2003	Christopher J. Dyl	19815-015001	3611
26161 7590 08/29/2007 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER LEIVA, FRANK M	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 08/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/633,062

Applicant(s)

DYL, CHRISTOPHER J.

Examiner

Frank M. Leiva

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 13 recites the limitation "the goal activated content" in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. **Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda et al (US 6,253,167), herein after Matsuda.**
5. **Regarding claims 1, 6 & 13; Matsuda discloses:**
  - a. A method for limiting dissemination of content in an online game, (4:32-35), by controlling information in a shared virtual space.
  - b. Hosting for transmission content designated as goal-activated content, (4:34-39).
  - c. Transmitting the goal-activated content to the client upon a client request, (4:40-42).
  - d. Instructing the client to delete goal-activated content stored on the client, (11:39-42), new content or changes in parameters are updated to the new values,

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and the process of updating inherently includes the re-writing of the new file over the old file, since for all purposes the file must remain with the same name.

6. **Regarding claims 2, 11, 12, 14 & 15;** Matsuda discloses wherein transmitting the goal-activated content comprises transmitting the goal-activated content to the client in response to a determination that a player associated with the client has fulfilled a goal, (11:64 - 12:5), the goal being the pet being fed.
7. **Regarding claims 3, 8 & 16;** Matsuda discloses receiving a history profile from the client, (11:15-28).
8. **Regarding claims 4, 7, 9 & 17;** Matsuda discloses wherein instructing the client to delete the goal-activated content comprises instructing the client to delete goal-activated content stored on the client in accordance with the history profile, (11:39-42), where by instructing the client to update the growth parameters, overwrites the new information over the old file.
9. **Regarding claim 5;** Matsuda discloses encrypting the goal-activated content prior to transmission to the client, (6:28-54), wherein all communications are encrypted to follow the VRML protocols to communicate in a 3-D virtual model.
10. **Regarding claims 10, 18 & 19;** Matsuda discloses wherein the step of receiving an instruction from the server to delete goal-activated content comprises receiving an instruction to delete all goal-activated content, (15:24-35), where there is a command for resetting the virtual pet to initial values by resetting all the growth parameters.
11. **Regarding claim 20;** Matsuda discloses a computer based content dissemination limiting apparatus with a non-volatile memory element storing data representative of goal-activated content; a transceiver receiving a connection request from a remote client on a network; a processor determining that the goal-activated content is to be transmitted to the

client; the transceiver transmitting the goal-activated content; and the transceiver transmitting a deletion instruction to the client, (Abstract), wherein updating the growth parameter table (goal-activated content), includes transmitting the content and deleting the previous version of the file.

12. **Regarding claim 21;** Matsuda discloses a method for controlling access to content by clients in a multiplayer game, comprising; maintaining a state for each player in a multiplayer game, (3:22-24); storing content for distribution to clients associated with the players in the game, including storing content in association with each of a plurality of states that can be reached by at least some of the players, (4:33-45); determining a first player associated with a first client has reached a first state, permitting access to said content if the first player has reached the first state, (4:39-41).

13. **Regarding claim 22;** Matsuda discloses wherein the state for a player comprises a fulfillment of a goal in the game, (9:14-27), where the goal in the game of Matsuda involves a user generated event such as the feeding of a virtual character or other such events.

14. **Regarding claim 23;** Matsuda discloses wherein determining whether the first player associated with the first client has reached the first state comprises determining whether the player has met goal requirements associated with the first state, (9:14-27), wherein the Matsuda system evaluates the achieved goals of the players and represents external and internal growth of the virtual pet according to the players achievements

### ***Response to Arguments***

15. Applicant's arguments filed 16 July 2007 have been fully considered but they are not persuasive. For the following reasons;

16. To the argument directed to "Matsuda fails to teach goal activated content", the examiner points to the term of growth parameter as many types of parameters and that

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some are activated when the goal is reached and some are activated when the goal is not reached, nevertheless they are activated by the goal. To the specific definition given by the applicant, the examiner views the achieving the goal content to be that which increases growth and thus anticipated by the art, the fact that there are other contents in Matsuda's invention, only means that Matsuda has other features on top of the anticipated "goal activated content".

17. To the argument directed to "Matsuda fails to teach deleting goal-activated content", please refer to the rejection of claims 1 and 10, that have been reworded to further explain the virtue of an update, and for claim 10 shows the complete wipeout of data.

18. To the argument directed to the rejection of claim 5 is moot in view of new grounds of rejection.

19. To the argument directed to the rejection of claim 3, " Fig. 8 is not a history profile", the examiner points to the Birth Date as included in the table which makes it definitely a historic document and without further limitation from the applicant, it is anticipated by the art of record.

20. To the argument directed to the rejection of claim 11 is moot due to new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

08/24/2007



Robert E Pezzuto

Supervisory Patent Examiner

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